

# ACTS and Proceedings X

OF THE

## *Associate Presbytery,*

Met at EDINBURGH, MAY 16th, 1739.

1507/1351  
CONTAINING.

Their DECLINATURE, read in presence of the  
General Assembly, and given in to the Moderator  
thereof, May 17, 1739.

To which is added, A

## COPY of the LIBEL

Exhibited against the

### *Seceding Ministers.*

Together with

Their ANSWERS, or REMARKS upon the same;  
containing a genuine COPY of Mr. Erskine's PROTEST  
in the Pulpit of *Stirling*, Feb. 23th, 1739.

With a DEFENCE thereof.

G L A S G O W:

Printed by JOHN BRYCE, and sold at his Shop in the  
SALT-MARKET. 1766.

[Price Two PENCE.]

At EDINBURGH, May 16th 1739.

**W**HICH day and place, the ministers and elders associate together in a presbyterial capacity being met, there was laid before them the draught of an act, Finding and declaring, that the present judicatories of this national church are not lawful nor right constitute courts of Christ, and declining all authority, power and jurisdiction that the said judicatories may claim to themselves over this presbytery, or any of the members thereof, or over any that are under their inspection.

The said draught having been under the consideration of the presbytery at some former meetings, was, at last meeting, referred unto a committee of their number to be transcribed *in mundo*, with such amendments as were agreed upon by the presbytery; the said committee laid the foresaid draught before them transcribed and amended as appointed, whereupon the presbytery proceeded to read over the said draught finding and declaring as above, which was accordingly done; and after some considerable time spent in prayer and serious deliberation thereupon, the question was put, Approve of the same or not? Rolls being called and votes marked, it carried unanimously, Approve; wherefore the presbytery did, and hereby do approve of the foresaid draught of an act, finding and declaring, that the present judicatories of this national church are not lawful nor right constitute courts of Christ, and declining all authority, power and jurisdiction that the said judicatories may claim to themselves over this presbytery, or any of the members thereof, or over any that are under their inspection; and they declare and enact accordingly; the tenor whereof follows.



*Act of the associate presbytery, finding and declaring, that the present judicatures of this national church are not lawful nor right constitute courts of CHRIST; and declining all authority, power and jurisdiction that the said judicatures may claim to themselves over the said presbytery, or any of the members thereof, or over any that are under their inspection; and particularly declining the authority of a general assembly, now met in Edinburgh the tenth day of May, one thousand seven hundred and thirty nine years.*

**A**T Edinburgh, the sixteenth day of May 1739, The which day and place, the ministers and elders associate together in a presbyterial capacity, being met in presbytery, and seriously considering, That provincial and national synods, as well as classical presbyteries, when duly constitute; and regularly proceeding, according to the laws laid down in the word by the Lord Jesus Christ, the only King, Judge and Lawgiver unto his church and people, are special and effectual means, thro' the divine blessing, for edifying the body of Christ, for preserving his institutions in their beauty and purity, for asserting and vindicating the truths of Christ, when opposed and subverted by cunning seducers, for maintaining the just right and privileges wherewith Christ has made his people free, for purging the house of God of such as are erroneous in principle, or immoral in their practices, and for removing offences whereby the flock of Christ may be wounded, scattered and broken; and consequently, for maintaining and preserving unity, peace and truth in the church of Christ, to the honour and glory of the Redeemer, for the perfecting of his saints, for the edifying of his body, till they all come in the unity of the faith and of the knowledge of the Son of God, unto a perfect man, and to the measure of the stature of the fulness of Christ; and that they may not be tossed to and fro, and carried about with every wind of doctrine, by the slight of men, and cunning craftiness whereby they ly in wait to deceive: But speaking the truth in love, may grow up into him in all things, which is the head, even Christ: Eph. iv. 11. ----- 16. As also the presbytery considering, that tho' the foresaid judicatures are an ordinance of Christ, for the above and like valuable ends and purposes, yet it cannot be refused, that there have been ecclesiastical courts, under the designation of synods, both provincial and na-

tional, so corrupt in their constitution, and so irregular in their procedure, that the keys of government and discipline, committed by the glorious Head of the church to the office-bearers of his house for the above mentioned ends and purposes, have been perverted to quite contrary ends and uses; insomuch, that error has been countenanced and encouraged, a lax and corrupt ministry have been supported, and such as endeavoured to be faithful have been scattered and broken, laws and ordinances have been enacted contrary to the laws and institutions of the Lord Jesus Christ, as will appear from the history of the Christian church in her different periods, and from the lamentable instances of this kind on record in the history of our own church in her several backsliding and declining times. Likewise, the presbytery taking under their serious consideration the state and situation of the present judicatures of this national church, have found, upon the weighty grounds and reasons afterwards specified, That the said judicatures are not lawful nor right constitute courts of Jesus Christ; and therefore they are bound and obliged in duty to testify and declare so much judicially, and also to decline all authority and jurisdiction which any of the present judicatures of this national church may claim to themselves over this presbytery, or any of the members thereof, as to their ministerial office, conduct or character; and particularly to decline the foresaid judicatures, as incompetent judges in any question that may relate, either to the secession of any of the members of this presbytery from them, or to the judicial Act and Testimony lately emitted by this presbytery; as also they judge themselves bound in duty to refuse and decline all authority, power and jurisdiction, which the said judicatures may claim to themselves over any of the members of this church who have declared their adherence to this presbytery, and to the Act and Testimony emitted by them, and who have subjected themselves to their presbyterial oversight and inspection.

It is with regret that this presbytery find themselves obliged in duty to take this step. It would be matter of great satisfaction unto them, that they had not these grounds and reasons, which are of such weight and importance with them, as to oblige them to testify and declare in the above manner: and they reckon themselves especially called at this time, to declare themselves more fully and plainly, with respect to the present judicatures, than they have hitherto done, in regard the several ministers of this presbytery are cited to compare before this general assembly, to answer unto a libel framed against  
them

them by the commission of the late general assembly, in consequence of an act of the said assembly: and therefore they reckon themselves, bound of necessity (as matters are presently situate) to take this step; and they judge that they could not do otherwise, in a consistency with the principles of the reformed and covenanted church of Scotland, and with their duty to the glorious Head of the church; as also with the duty that they owe to the souls of them committed to their charge, and to the Lord's heritage and flock through the land. Neither could they do otherwise in a consistency with the engagements they came severally under, when ordained to the office of the holy ministry, viz. That they should stedfastly adhere to the doctrine, worship, government and discipline of the church of Scotland; and that they should, to the utmost of their power in their station, assert, maintain, and defend the said doctrine, worship, government and discipline; and also, that they should never do any thing, either directly or indirectly, to the prejudice or subversion of the same. All which do oblige them to testify and declare That the present judicatures of this national church are not lawful nor right constitute courts of Christ: and consequently that they cannot warrantably claim to themselves any power or authority over the members of this presbytery or their foresaid adherents. And they humbly and earnestly intreat all ministers, elders, and others, who desire to be found faithful unto the Lord in this day of perplexity and reading down, seriously to consider the following grounds and reasons of their present Act, declaration and declinature, and to weigh them, without any partial bias in the balance of the sanctuary.

*imo.* When ecclesiastical judicatures not only receive in to their number, but refuse to purge out from among them, and continue to support intruders, and such as are notourly known to be guilty of such scandalous practices as make them obnoxious unto the censures of the church, and who therefore have no warrant from the Lord and Head of the church to sit in his courts, they cannot be reckoned lawful nor right constitute courts of Christ; but the present judicatures of this national church not only receive into, their number, but refuse to purge out from among them, and continue to support intruders, and such as are notourly known to be guilty of such scandalous practices as make them obnoxious to the censures of the church, and who therefore have no warrant from the Head of the church to sit in his courts: therefore the present judicatures are not lawful nor right constitute courts of Christ. It will not be refused, that the Head of the church has clearly pointed



pointed out unto us, in his word, who they are that ought to feed, rule, and govern his flock. They must be such as he has called, Heb. v. 4. and such as he has sent, Rom. x. 15. If, in a civil court, where the judges are of the king's nomination, any should presume to sit down upon the bench without the king's warrant, or a commission from him; if this is known to the subjects, their allegiance to their sovereign binds and obliges them to decline the court, and to hold and repute all their acts and deeds as null and void. And this is not only the case at present with respect to the judicatures of this national church, when such as have not the king of Zion's warrant and commission to sit in the courts of his house are constituent members of ecclesiastical judicatories, but also the said judicatories support and encourage such, and refuse to purge them out from among them. It is notour, that in all corners of the land men are intruded into the pastoral office, and imposed upon the heritage and flock of God, in regard settlements have been carried one these many years by past, by mere church authority over dissenting and reclaiming congregations, and such as have been thrust into the office of the ministry, are received into judicatories, and the right-hand of fellowship is given unto them. Whatever sham pretences may be made, and whatever fig-leaves covers may be twitted together, to justify or paliate this violence that is done to the sheep of the Lord's pasture, yet this presbytery judge that they are warranted by the Lord's word to affirm, That such as are imposed by mere church authority, upon the footing of presentations, or otherwise, upon dissenting and reclaiming congregations, who are willing to chuse and call gospel ministers, have no authority or warrant from Christ the chief Shepherd of the sheep to feed the flock, and that they are rather grievous wolves, who have entered in, to the tearing, renting, wounding and scattering of the flock of Christ, and consequently, that they have no warrant from the king of Zion to sit in the courts of his kingdom; and that such courts who receive and sustain such men as constituent members, notwithstanding of remonstrances and other means used by such as were aggrieved to have them purged out, are not right constitute courts of Christ; and therefore his subjects have his warrant to refuse and decline their authority and jurisdiction: as the present judicatures of this national church are filled with many such constituent members, so it is notourly known, that through all corners of the land notwithstanding of manifold petitions, complaints, and remonstrances, the present judicatures continue to support such

such intruders, and refuse to purge them out from among them.

Likewise the present judicatures of this church are constitute of a great many members, who have given ground of offence to the church and people of God, by their scandalous practices, in promoting and carrying on a course of defection from our received and covenanted principles; and who, by these their scandalous practices, have rendered themselves obnoxious and liable to the censures of the church, and against whom the spiritual sword ought to be drawn, if the discipline of the church were faithfully and impartially exercised. It is evident from the word of God that such shepherds, who scatter the sheep of the Lord's pasture, are under scandal, and obnoxious to the censure of the house of God; for a wo is pronounced against them, Jer. xxiii. 1, 2. Likewise the shepherds that rule the flock with force and cruelty, the Spirit of God pronounceth an awful sentence against them, Ezek xxxiv. 1, ---- 10. 'Wo to the shepherds of Israel; should not the shepherds feed the flock? ---- But with force and with cruelty have ye ruled them. ---- Thus saith the Lord God Behold I am against the shepherds, and I will require my flock at their hand, and cause them cease from feeding the flock.' Also such as walk disorderly, and not after the tradition which we have received from the apostles of Christ, are declared to be under scandal, and liable to church censure, 2 Thess. iii. 6, 14, 15.

In like manner according to the laudable acts and constitutions of this church, particularly act of assembly 1638, anent corruptions in the ministry, and act of assembly 1646, session 10. and act of assembly 1648, session 26, if ministers are silent, and apply not their doctrines to the corruptions of the times; if they are flatterers and dissemblers of public sins; if they are silent and ambiguous in the public cause, they are to be censured according to the degree of these scandalous faults; and continuing in them, they are to be deposed. And this is the lamentable state of the present judicatures of this national church at this day; they are constitute of many such members as are not only silent in the public cause of God, but dissemblers of public sins, they are constitute of such members who scatter and drive away the flock of Christ, and rule them with force and cruelty, and who depart from the traditions delivered unto us by the apostles of Christ in the holy scriptures; and yet they are not ashamed of, but justify their scandalous practices. As for instance, the judicatories at present are constitute of such members who have an active hand in exercising a lordly and magi-

sterial power and authority over the flock of Christ, and who having been active in imposing ministers, not only on dissenting and reclaiming congregations, but even where the presbytery of the bounds have likewise been dissenting and reclaiming; and who have also invaded the power of presbytery, in taking into their own hands the ordination of men to the holy ministry, under the shadow of a power and warrant from the commission of several assemblies. Likewise the judicatures are constitute of such members, as have been active in enacting laws and statutes, contrary to the laws and statutes of the Lord and Master of the house; such as the act of assembly 1732, anent the election of ministers to vacant congregations: and the acts of assembly 1733, against the protesting ministers, and the ministers of the presbytery of Dumfermline. And though the act of assembly 1732, is repealed, yet the scandal that the contrivers, framers and enactors of it were guilty of, is unpurged to this very day, in regard the said act was repealed, only because it was contrary to some ordinary forms in passing acts of assembly: but the dishonour done by the said act to the Head of the church, and the injury done thereby to his members, has never been acknowledged and mourned over; but on the contrary vacant congregations still continue to be planted according to the said act. Also the judicatories are constitute of such members as have been active, either in screening the erroneous from a just and adequate censure, or in dismissing them without any censure at all, and they are not repenting of these and the like their sinful deeds; nay, rather in the whole tenor of their conduct and practice, they plead that they are innocent, and justify themselves in a course of defection and backsliding from the Lord: therefore these are the men who have scattered and broken the heritage of God at this day, and who have ruled them with force and cruelty; and these are the men that walk disorderly, contrary to the traditions which we have received, and who have caused divisions contrary to the doctrine which we have learned, whom we are called to mark and avoid: Yea, these are the men, who, according to the above cited passages of the word of God and the above laudable acts and constitutions of this church, ought to be deposed from the holy ministry. Wherefore, seeing the present judicatures of this national church, have not only received into their number, but refused to purge out from among them, and continue to support and countenance intruders, and such as are notoriously known to be guilty of the above scandalous practices; which make them justly liable to the censures of the church, and consequently have no warrant from the  
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Lord and Master of the house to sit in his courts: this presbytery cannot hold the said judicatures, who are constitute of such members, as lawful right and constitute courts of Christ; and therefore are obliged in duty to refuse and decline any authority, power or jurisdiction, that they may claim to themselves over the members of this presbytery, or such as adhere to the said presbytery; as also to hold all the acts, sentences and deeds, that may be done or passed by the present judicatures against the fore-saids, to be null and void in themselves.

*2do*, If the conduct of the judicatures of this national church for many years by-past is duly considered; how they have been active in carrying on a course of defection and backsliding from the Lord, by tolerating the erroneous, by supporting and countenancing error, and by enacting laws and constitutions contrary to the laws of the King of Zion; whereby ministerial freedom is suppressed, and new and unwarrantable terms of ministerial and Christian communion are imposed, and whereby the heritage of God is oppressed and broken, they cannot be held and reputed as free and lawful courts of Christ. It is evident from the word of God, that the power and authority committed by the glorious Head of the church, unto her several judicatures, is a power for edification, and not for destruction, 2 Cor. x. 8. xiii. 10. The judicatures of the church can do nothing against the truth, but for the truth, 2 Cor. xiii. 8. that is, for the vindication, support and defence of the truth. The church representative is in a special manner the pillar and ground of truth. She is obliged to publish and declare, to uphold and maintain the truth, in a direct opposition to such errors as are at any time vented to the prejudice and subversion of the same. The judicatures of the church ought to point out sin and duty; they ought to rid marches between truth and error; if they do not discharge their duty when errors are broached and vented, they are chargeable with the prejudice done to truth, and with the growth and spreading of error; they are treacherous to their Lord and Master, unfaithful to the flock and heritage of God; and unto succeeding generations. But the present judicatures of this national church are tolerating the erroneous, and supporting and countenancing error, as will appear from their conduct, both towards Mr. Simson, and Mr. Campbell; as also, from their conduct of late towards Mr. Wishart. It is well known, that a scheme of pernicious and dangerous principles was vented by Mr. Simson, as is evident, from his answers to the first libel, in the first process that was commenced against him; yet the gross and dangerous errors which he maintains and defends in his said answers

have never to this day been condemned, neither has the truth been judicially published and asserted in opposition to the said errors, even tho' the committee of assembly *Anno* 1728 found it clearly proven, that he continued to teach the same dangerous errors. And, when as a just judgment upon this lukewarm church from a righteous and holy God, he was afterwards so far left, as to impugn and deny the necessary existence of the Son of God, and the numerical oneness of the three adorable persons of the Godhead; and when this was found clearly proven against him by the general assembly of this church, yet not only was he dismissed with a slight censure, but the judicatures have never to this very day asserted the Deity of the Son of God, in opposition to the terms in which this important article of faith was subverted by the said Mr. Simson. Likewise, though several dangerous errors contained in some books published by Mr. Campbell, professor of church-history at St. Andrews, were taken under consideration by a committee appointed for that effect, and though the said Mr. Campbell did maintain and defend his pernicious and dangerous principles before the said committee; yet the general assembly 1736 thought fit to assilize him from the charge of error, and to dismiss him without any censure passed against him, though his dangerous scheme of principles has a manifest tendency to subvert and overthrow natural and revealed religion; as is made evident in the judicial Act and Testimony published by this presbytery, to which they refer. As also the last general assembly, when several gross propositions were brought to their bar, which had been excerpted by the presbytery of Edinburgh out of two sermons that Dr. Wilhart had preached; yet that assembly refused to examine, whether the said propositions were contrary to our Confession of Faith or not; but, instead of this, they acquit the Doctor, upon a declaration that he made before them of his adherence unto the several articles of our Confession of Faith, to which it was alledged the said propositions were contrary. By their above conduct, the present judicatures of this church have involved themselves in the hainous guilt and sin of tolerating the erroneous in ministerial and Christian communion, and of supporting and countenancing the many gross and dangerous errors vented by them.

Likewise arbitrary laws and constitutions have been enacted, whereby ministerial freedom is suppressed, and new and unwarrantable terms of ministerial and Christian communion are imposed: such was the act of assembly 1733, anent the ministers of the presbytery of Dumfermline; whereby church-members are debarred from sealing ordi-

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nances, if they receive them not at the hands of intruders; and ministers by the same act are threatened with the highest censures of the church, in case they dispense sealing ordinances, to any in such congregations where intruders are settled, without warrant from the said intruded incumbents. As also, in the act and sentence passed against the protesting brethren by the said assembly, both a doctrinal and judicial testimony, against the above mentioned and like defections of this church, was condemned: and the present judicatures of this church are so far from returning to their duty, that the violence done to the heritage of God, through all the corners of the land, is still carried on, as is evident from the conduct of the judicatures these several years bypast. It shall only be further observed upon this head, that the supreme judicatures of this church have carried on a course of defection from the Lord in opposition to instructions from many presbyteries and synods; as also, notwithstanding of petitions and representations given in to several general assemblies from provincial synods, and from a considerable number of ministers, elders and Christians thro' the land.

As the above means, of petitions and representations to the general assembly of this church, were tried before a secession from the present judicatures was declared and stated, so the neglect and contempt that general assembly did cast upon the said petitions and representations, was an evidence that they hated to be reformed: wherefore, since the judicatures of this national church have been these many years bypast active in carrying on a course of defection and backsliding from the Lord, by tolerating the erroneous, by refusing to condemn errors that have been taught and vented, and to assert the truth, in opposition to the terms in which the said errors have been vented; as also by enacting laws and constitutions contrary to the laws of the king of Zion, whereby ministerial freedom is suppressed, and new and unwarrantable terms of ministerial and Christian communion are imposed, and whereby the heritage of God is oppressed and broken; and since the judicatures of this church, instead of acknowledging and mourning over the above and like defections and backslidings, justify the steps they have taken; yea, libel and cite the several members of this presbytery to their bar for censure, for no other reason, if their libel is duly considered, but because the said ministers endeavour to testify, in their sphere and station, That their above-mentioned deeds are evil; and all this, notwithstanding that the ordinary means have been used to reclaim them; therefore this presbytery judge they are well warranted



from the law and the testimony to declare, That the present judicatures of this national church are not lawful nor right constitute courts of Christ, and therefore to decline all authority, power and jurisdiction, that the said judicatures may claim to themselves over any of the members of this presbytery, or over any that have declared their adherence to their judicial Act and Testimony.

3<sup>110</sup>, Tho' the office-bearers of the house of God, in all their spiritual functions and administrations, ought to walk only by the laws and statutes of the Lord Jesus Christ; and tho' their ecclesiastical courts are held in his name, who is King in Zion, and are subordinate to him alone; yet the present judicatures of this church have subordinate themselves unto the civil powers in their ecclesiastical meetings, functions and administrations; and therefore this presbytery cannot own them as free and lawful courts of Christ.

It is very much to be regreted, that the rights of the Redeemer's crown have never been asserted by the judicatures of this church, in opposition to the manifold indignities done him, and the sinful encroachments made upon his spiritual kingdom, by parliamentary acts and deeds, and by unlawful oaths, bonds and tests, during the late times of tyranny and persecution; and we have reason to acknowledge, that, as a just punishment of this our sin, the late act of parliament anent captain John Porteous, appointed to be read from the pulpits of Scotland the first Lord's day of every month, for the space of a year, is become a sad snare both to ministers and judicatures. The most part of the ministers of Scotland have read this act in one shape or another, and they have thereby subjected themselves in the exercise of their spiritual function, to the civil powers; in regard they have, in obedience to their authority, delivered the doctrines and commandments of men, instead of the lively oracles of God, to the church assembled together for the public worship and service of God; whereby the Sabbath of the Lord has been profaned, a wicked generation have been hardened, the sacred office of the ministry has been exposed, and the Lord's people stumbled and wounded. Likewise, by their obedience to the foresaid act they have directly consented to the parliament's taking the key of discipline into their own hands; in regard that by one of the penalties annexed to the said act, it is declared, That such as do not read the same, shall be incapable of sitting and voting in any ecclesiastical court; whereby the parliament take upon them to suspend ministers of the gospel from the exercise of a considerable part and branch of their ministerial work. As this

this is a great encroachment upon the kingdom of Christ, and a sinful usurpation of his authority, who is the alone supreme Head, Lord and Lawgiver to the church, his own spiritual kingdom; so the readers of this act have, in so far openly and expressly given up with his alone headship and supremacy over the same. And though all the judicatures of this church, supreme and subordinate, have met since the passing and reading of the said act, yet the readers of it are not censured: neither is their any judicial testimony emitted by the said judicatures against the dishonour that is done to the king of Zion, and the encroachment that is made on his spiritual kingdom by this late act of parliament. And indeed it cannot be expected, that the present judicatures should do otherwise, when the most part of the ministers in Scotland are involved in this grievous sin and scandal. And in regard that it is so, and that no judicial testimony is emitted by the present judicatures against the foresaid act of parliament, and the reading thereof, therefore, this presbytery cannot but look upon the whole body of this national church to be involved in the sin; and that the judicatures thereof do now practically declare, That they hold their meetings in subordination to the civil powers, and not to the King of Zion alone; and that they have virtually and materially given up with the alone headship and supremacy of the Lord Jesus over the church, his purchased kingdom: therefore they cannot own the present judicatures as free and lawful courts of the king of Zion.

Upon the whole; in regard the present judicatures of this national church are constitute of such members as have no right nor warrant from the Head of the church to sit in his courts, nor to rule and govern his flock, yea, constitute of such members who are scattering the flock of Christ, and ruling over them with force and cruelty; by which, and the like practices they have given great scandal and offence to the church of God: as also, in regard the said judicatures are, and have been for many years bypast in a judicative capacity carrying on a course of defection from our reformation-principles, by protecting the erroneous, supporting and countenancing error, imposing sinful and unlawful terms, both of ministerial and christian communion, and otherwise; and further, in regard the said judicatures have virtually and practically given up with their holding of the King of Zion, in so far as they have neither censured the readers of the late act of parliament anent captain John Porteous, nor given any judicial testimony against the indignities done to the Redeemer's crown by the said act.

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Therefore, and for all the above reasons, this presbytery judge it their duty to declare, likeas hereby they find and declare, that the present judicatures of this national church are not lawful nor right constitute courts of Christ; and therefore they did, and hereby do decline all authority power and jurisdiction, which any of the said judicatures may claim to themselves over this presbytery, or any of the members thereof, as to their ministerial office, conduct or character, or over any who have subjected themselves to their presbyterial oversight or inspection. And particularly, for the grounds and reasons above mentioned, they did, and hereby do decline any power, authority or jurisdiction, that this general assembly, now met at Edinburgh, may assume to themselves, of proceeding in a way of censure against all or any of the members of this presbytery, for their secession from the present judicatures, their presbyterial association, or the matters contained in the judicial Act and Testimony, emitted by them, or any other matters whatsoever relative to the said secession, and the said Testimony; and that in regard the present judicatures cannot be competent judges, in a testimony for the reformed and covenanted principles of the church of Scotland, from which they have so deeply swerved, by so many lamentable steps of defection from the same. And further, for the above grounds and reasons, this presbytery did, and hereby do declare, That any act, sentence or deed, that may be done, or passed against all, or any one of them, by any of the present judicatures, whereby their ministerial office, or the exercise thereof, or their pastoral office to their respective congregations, maybe affected or prejudged, shall be held and repute as null and void in itself; and that it shall be lawful and warrantable for them, notwithstanding of any such act, sentence or deed, to exercise their ministry, in as full and ample a manner, a hitherto they have done, and as if no such act, sentence or deed had been done or past against them. In like manner, they did and hereby do declare, That notwithstanding of any act, sentence or deed, done or past, to the prejudice of their pastoral relation to their several congregations, that the people of their respective congregations shall be held bound and obliged, according to the solemn engagements they came under, when the several brethren, of the presbytery were ordained to the holy ministry among them, still to own and acknowledge them as their lawful and sent pastors. As also, That they shall be bound and obliged to hold and account any, whether ministers or probationers, who, in consequence of any act, sentence or deed, done or past against any of the members of this presbytery, shall exercise any part of the

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the ministerial work in the respective congregations, as intruders upon their ministerial work and labours : and that in regard the members of this presbytery have been, and are endeavouring, thro' the strength, conduct and leading of divine grace, to display and prosecute the ends of a judicial testimony for the doctrine, worship, discipline and government of the church of Scotland, and against several steps of defection from the same, both in former and present times; to which testimony, both ministers and people of all ranks in this covenanted land, are, by the solemn oath of God, bound to adhere.

The particulars above-mentioned are some of the grounds and reasons that are of such weight and importance with this presbytery, as that they cannot own the present judicatures of this national church, nor submit to their jurisdiction and authority. And it is matter of grief and concern unto them, that matters are come to this pass betwixt the said judicatures and them. Their consciences bear them witness, that they desire unity and harmony in the church ; but the unity that they ought to desire is, the unity of the Spirit, even unity in the Lord : It is such an unity as may make for the glory of God, for the honour of truth, and for the real edification of the body of Christ; and therefore they do, with all sincerity, beseech the present judicatures of the church to return to the Lord, from whom we have every one of us deeply revolted, and to acknowledge and mourn over the sins of our fathers, and the defections of the judicatures, ministers and people of the present age and generation ; and to use proper means for the conviction and humiliation of such as have been intruded into the ministry, or who have been active in carrying on the course of defection; as also they intreat them to display the banner of a judicial testimony, in asserting the crown rights of the Redeemer, and condemning the encroachments that have been made upon his crown and kingdom of late, and in former times : and to assert judicially the truths of God that have been of late assaulted and opposed : and to condemn expressly the errors that have been vented, to the subverting and corrupting the truths of God, and to the poisoning of the youth who are trained up for the holy ministry. If these and the like duties were sincerely pointed at, then might this presbytery hope for a beautiful unity, and a desirable harmony with the present judicatures ; but they are afraid, these their sincere and hearty desires shall be despised and contemned by the said judicatures : and therefore they judge it their duty, with all humility, tenderness and earnestness, in the bowels of our Lord Jesus Christ to entreat and beseech their reverend,

rend, worthy and dear brethren, both ministers and elders, who regard the covenanted testimony of the church of Scotland, and who desire to be found faithful to the Lord, that for the love they bear to the honour and glory of the Redeemer, and his despised truths, and for the sake of the weary, broken and scattered heritage of God thro' the land; as also, that they may be in a capacity to transmit a faithful testimony to succeeding generations, to come out from the present judicatures, and from all ministerial communion with them, as they would not be partakers in their sins, in regard they are constitute, as said is, of such corrupt and scandalous members, and are in their judicative capacity, carrying on a course of defection and backsliding: and for the other reasons and grounds above-mentioned, they also, do in the same manner, entreat and beseech their said worthy and dear brethren, that they would make use of the keys of government and discipline committed unto them by the Head of the church, for the ends and purposes for which they are given them, that they would put to their hand to lift up the standard of a judicial testimony for the born-down truths of God, and for purging and planting the house of God in Scotland according to the word of God, and our reformation principles agreeable thereto, and after the example of our worthy progenitors in the year 1638: believing that the set time for favouring Zion, even the time that the Lord hath set, will come. As for this presbytery, whatever the conduct of the judicatures towards them may be, and however they may be born down, reproached and despised, they are persuaded the cause is the Lord's; and however weak and unworthy they are whom he hath singled out in his adorable providence to put hand to a testimony for him; and whatever he may see meet to do with them, they desire to rest in faith and hope, that the Lord will build up his Jerusalem in Scotland, and gather his dispersed Israel into one,

Extracted by me,

(Signed) WM. HUTTON *Clk.*

*The associate presbytery agreed, that so soon as the general assembly called them to their bar, they should appear as a constituted court: they also agreed, that the reverend Mr. Thomas Mair their moderator at that time, should read, and give in the above Declinature, which was done accordingly, after the following Libel was read.*

A COPY

## A COPY of a LIBEL, &amp;c.

*Edinburgh the fifteenth Day of March, One thousand seven hundred and thirty nine Years.*

**W**HEREAS the government of Christ's church within Scotland, now happily established by the laws of this kingdom, agreeably to the word of GOD, is settled in the kirk-sessions, presbyteries, provincial synods, and general assemblies of this national church, to which, government every preacher and minister of this church, at his admission, 'solemnly engages and promises to submit, and firmly and constantly to adhere to the same, and never endeavour, directly nor indirectly, the prejudice or subversion thereof, and to follow no divisive course from the present establishment of this church:' And whereas the observance of these vows and engagements is absolutely necessary to the preservation of government and order in the church, and to prevent the ruin and subversion thereof, and the contrary practice of schism, division and separation from the church, by ministers who have been admitted therein, and come under these solemn engagements, are crimes and offences that are contrary to the holy scriptures, particularly to the several texts and passages thereof, which require love and charity, peace and unity, to be promoted and cultivated in the church; these which condemn schism and division, and the forsaking of the christian assemblies; and, finally, these which require all things to be done in the church decently and in order: and also the said offences are contrary to the Confession of Faith and Catechisms, and stand condemned by a great many acts of general assemblies, and also contrary to the fore-said engagements, and therefore deserve to be severely censured: **NEVERTHELESS** it is of verity, that you Messrs. Ebenezer Erskine minister at Stirling, William Wilton minister at Perth, Alexander Moncrieff minister at Abernethy, James Fisher minister at Kinclaven, Ralph Erskine minister at Dunfermline, Thomas Mair minister at Orwell, Thomas Nairn minister at Abbots hall, and James Thomson minister at Bruntisland, ARE guilty of the above mentioned offences and crimes, in so far as you the said ministers have seceded from this church without any justifiable grounds, by a total and constant withdrawing from the attendance upon, and submission or obedience to the judicatories thereof, and are persisting in your unwarrantable secession, notwithstanding your solemn engagements to the contrary at your ordination and admission, the clemency

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shewed to some of you in the year one thousand seven hundred and thirty four, and the tenderness to all of you ever since. Further, you the ministers above named, have assumed a power of associating and erecting yourselves into a presbytery, and have exercised a judicial presbyterial power, not only over your own congregations, but also over the whole church, a power to which never any presbytery duly constituted in this church could or did lay claim; that, as a presbytery, and in a pretended judicative capacity, you, or some or other of you, have framed and published to the world a printed paper, called your Act, Declaration and Testimony, wherein you have pretended not only to assign the grounds of your unreasonable and irregular conduct, but also, with the air of a paramount power and authority, to condemn this church, and the judicatories thereof, for their proceedings, and to cast many groundless and calumnious reflections upon her and them. That further, not confining yourselves to your own congregations and particular charges, you dispense ordinances to persons of other congregations, without the knowledge or consent of the ministers to which they belong: and have taken upon you, in some of these congregations, to ordain, elders, to appoint and keep fasts in different corners of the country, and, by these practices, your proper ministerial work in your own parishes is in a great measure neglected. Moreover, that your schism may not die with yourselves, you have presumed to take some persons under probationary trials and have actually licensed one or more to preach the gospel. More particularly, you the said Messrs. Ebenezer Erskine, William Wilson, Alexander Moncrieff, and James Fisher, have from and since the month of June, one thousand seven hundred and thirty four years, been guilty of a total and constant withdrawing from the attendance upon and submission to the judicatories of the church, and have been absent from the meetings of the respective presbyteries within whose bounds you have your fixed parochial charges, and that without offering any relevant excuse therefore; and you the said Messieurs Thomas Mair and Ralph Erskine have, from the sixteenth of February, one thousand seven hundred and thirty seven, you the said Mr. Thomas Nairn, from the twenty second of September that year, and you the said Mr. James Thomson have, from the twentieth day of June last, one thousand seven hundred and thirty eight, the respective dates of your giving in to your several presbyteries respective, formal secessions from this church, withdrawn, and been absent from the presbyteries meetings, and sent no excuse for

for such your conduct. And you the haill defenders above named, or some or other of you, did, at a meeting of your pretended presbytery, held at Abernethy upon the twelfth day of May, one thousand seven hundred and thirty eight, or one or other of the days of that month, or of the months of June or July that year, license one Mr. John Hunter to preach the gospel, as a probationer for the ministry; and thereafter, upon the thirteenth day of December last, one thousand seven hundred and thirty eight, or upon one or other of the days of the said month, you did, at a pretended meeting held at Stirling, appoint and direct the said Mr. John Hunter to preach at and within the parish of Larbet, and other places, in several corners of the country. Further, you, or some or some or other of you, did, upon the twentieth day of May last, one thousand seven hundred and thirty eight, or upon one or other of the days of that month, or of the months of June, July, or August that year, in a pretended judicial manner, take under your cognizance the case of Archibald Edmund, against whom the sentence of the lesser excommunication had been past by the presbytery of Dumblain, and you found, that the said presbytery had acted unwarrantably, and you declared the said Archibald free from the scandal for which he had been censured, as above, by the said presbytery, and appointed the said Mr. Ebenezer Erskine to baptize the said Archibald's child. At least, you the said Mr. Ebenezer Erskine did, in the church of Stirling, upon the tenth day of August last, or one or other of the days of that month, baptize the said child, and, at the same time, declared your warrant for so doing to be as above. SIKLIKE, you, or some one or other of you, in a pretended judicial way, at a meeting on occasion of a fast held by you on the twenty eight day of September, one thousand seven hundred and thirty seven, in the parish of Balfron, did absolve from scandal Thomas Buchanan in the parish of Kippen, and Florence Graham in the parish of Drymen. LIKEAS you, or some of you, did, at a meeting of your said pretended presbytery, held at Perth upon the twentieth day of October last, one thousand seven hundred and thirty eight, or one or other of the days of the said month, take upon you to excommunicate one David Lesly Baxter in Pleasance, in the parish of the West-kirk near Edinburgh. MOREOVER you the above mentioned defenders, or one or other of you, did, upon the twenty second day of March last, or upon one or other of the days of the said month, convene, with great numbers of your followers, at Braid's Craigs, within the said parish of the West-kirk of Edinburgh, and then and there

you did preach and baptize several children, without proper certificates from the ministers of the said parish, or the authority of the presbytery of the bounds. As also, you did, upon the first, seventh and eight days of March instant, or upon one or other of the days of the said month, preach and baptize children, as aforesaid, in the parish of Sut-chill, Morbottle and Chanel-kirk. Further, you, or some one or other of you, did, at a meeting held in the parish of Linton in Tweeddale, upon the tenth day of March, one thousand seven hundred and thirty eight, or one or other of the days of that month, or upon one or other of the days of March, April or May that year, pretend to ordain, as elders, a certain number of persons belonging to other parishes than your own; and by these, and many other enormities, you have carried on and persisted in your schismatical courses; and your offence is aggravated, as to all or some of you, from your obstinate refusing to confer with the ministers of your respective presbyteries, who in obedience to an act of the late assembly, desired conferences with you, in order to reclaim you. Lastly, you the said Mr. Ebenezer Erskine, upon the twenty sixth day of February last, or one or other of the days of that month, protested against five elders, members of the session of Stirling, as elders of mens making, not of GOD's and intruded upon the congregation by an Erastian and tyrannical ecclesiastick sentence, and summoned them by name and surname, their aiders and abettors, from the pulpit of the church of Stirling, to appear before the judgment-seat of CHRIST, on the day determined in GOD's secret decree, to answer for their presuming to associate as elders; and this notwithstanding that the said five elders had been duly admitted into that office, and by sentence of the last assembly were declared to be intitled to the full exercise of their office, from which they had been for some time interrupted by certain irregular proceedings of you the said Mr. Ebenezer Erskine, and of other elders of that session concurring with you. AND WHEREAS by act of the late general assembly, dated the seventeenth of May last, one thousand seven hundred and thirty eight, the commission of the said assembly is authorised and appointed to take such reports or representations, as were made to the assembly concerning the conduct of you the said ministers, or as should be made to the commission concerning your conduct subsequent to that assembly, under their consideration, and, if the said commission should see cause, to take all proper steps and methods for duly sisting you the separating brethren therein named, before the next assembly, to answer for your irregular conduct, and all the



parts thereof; and also to do what they should think proper to prepare and ripen the case for the decision of that assembly. AND WHEREAS the commission at their meeting in November last, having considered the said representations, and your conduct before and since the last assembly DID RESOLVE and APPOINT that a libel should be drawn up and put into your hands, and that you be summoned to compare at the bar of the next assembly, to answer for your irregular conduct, and all the parts thereof; THEREFORE the commission of the general assembly, in pursuance of the said act of assembly, and of the resolution and appointment of the commission at their meeting in November last, and of the general powers committed to them by the assembly, DID and hereby DO, grant warrant to, and appoint

their officers in that part, conjunctly and severally, to pass and lawfully summon the said Messieurs Ebenezer Erskine, William Wilson, Alexander Moncrieff, James Fisher, Thomas Mair, Ralph Erskine, Thomas Nairn, and James Thomson, ministers, personally, or at their dwelling-houses, to compare before the next general assembly at Edinburgh, the tenth day of May next, one thousand seven hundred and thirty nine years, within the assembly-house there in the hour or cause, with continuation of days, to answer for the several particulars above mentioned, and to hear and see the same sufficiently verified and proven; and being so proven, to hear and see the said assembly give their judgment, and pass sentence in the said matter, as they shall find just: WITH CERTIFICATION, if the said defenders fail to compare, that the general assembly may proceed as if they had been present, or censure them for such their contumacy and contempt AND LIKEWAYS the commission grants warrant to the officers foresaid, to summon all persons contained in a list subscribed by the clerk to the commission, to compare the time and place above mentioned, with continuation of days, to bear true and faithful witnessing, in so far as they know, or shall be enquired at them in the said matter, with certification as effects. This, by warrant and appointment of the said commission of the general assembly of the church of Scotland, dated the fifteenth day of March, one thousand seven hundred and thirty nine years, is given at Edinburgh, and subscribed by

WILL. GRANT *Clk. Eccl. Scot.*

## Answers to the foregoing Libel.

**A** Copy of the above libel was put into the hands of every one of the seceding ministers, by appointment of the commission of the late general assembly that met at Edinburgh, March 1739. It is not here intended to trouble the world with every just and particular remark that might be made upon the said libel, but only to offer a few general observes upon the same, for the vindication of the conduct of the seceding ministers, and to shew the injustice of the charge that is laid against them by the present judicatures of this national church.

In the preamble to the libel, it is narrated, that every preacher and minister of this church, at his admission, solemnly engages and promises to submit to our presbyterian church government, and firmly and constantly to adhere to the same, and that they shall never endeavour, directly or indirectly, the prejudice or subversion thereof; and that they shall follow no divisive course from the present establishment of this church; and likewise that the observance of these rules and engagements is absolutely necessary to the preservation of the government and order in the church, and to prevent the ruin and subversion thereof, &c. From the above and the other particulars narrated in the preamble, a general charge is subjoined against the seceding ministers, of being guilty of the crimes of schism, division and separation from the church, and of walking contrary to the above solemn engagements.

The seceding ministers must with regret observe, that the present judicatures of this national church are counter-acting the above solemn engagements and promises, by an habitual act of tyranny in the administrations, some particular instances whereof the associate presbytery have given in their Act and Declinature read in the presence of the late general assembly, and therefore the charge may be justly laid against them, of pursuing such measures as have a lamentable tendency to the ruin and subversion of our presbyterian government and order, whereby they are guilty of schism, division and separation, by their departure from our covenanted order and unity, and exercising a lordly dominion, contrary to the word of God and laudable acts and constitutions of this church, both over ministers and other church-members.

It may be here justly enquired, how the libellers of the seceding ministers come to pass over, in their preamble, the

the solemn engagements that each minister comes under, firmly and closely to adhere to the doctrine contained in our Confession of Faith, as also their engagements, that they shall, to the utmost of their power, in their station, assert, maintain, and defend the said doctrine. The present judicatures cannot but be conscious to themselves of the heinous violation of the above awful promise and engagement, by their dismissing the erroneous from their bar, either without any censure at all, or with such censure as was noway adequate unto the scandal and offence that they had given; yea, tho' they have had many gross and pernicious errors under their judicial cognizance, yet they have obstinately refused to assert and maintain the doctrines contained in our Confession of Faith, in opposition unto the many dangerous errors subverting the same, which have been brought to their bar.

The preamble charges the seceding ministers as guilty of such offences as are contrary to the holy scriptures, and particularly to those texts that require love and charity, peace and unity, &c. as also of offences contrary to the Confession of Faith and Catechisms: but here the accusers of the seceding ministers wrapt up their charge in generals.

The seceding ministers are libelled as walking contrary to the Scriptures, Confession of Faith, &c. but not one particular text of scripture is condescended upon; neither is their any one article of our Confession and Catechisms mentioned, nor any particular act of assembly named. In every well regulate court, where the procedure is legal, and not arbitrary, the law is particularly and expressly mentioned, to which the crimes libelled are supposed or alledged to be contrary, and the said crimes are duly compared with the law, and if they not are contrary to the same, the libel is found to be irrelevant; but the above general charge, laid by the judicatures of the church against the seceding ministers, is of a piece with their former arbitrary procedure against the protesting ministers, *anno 1733*, they charge them with acting contrary unto our standards both supreme and subordinate, yet they have not pointed out one particular text of scripture, or any one of their laudable acts and constitutions, unto which their practice is contrary. It is true, they alledge, that they are guilty of such offences as are contrary unto these passages of scripture which require love and charity, peace and unity, to be promoted and cultivated in the church; but all the passages of scripture which require love, peace and unity, they also require that truth should be the foundation of peace, and the bond of unity and harmony; Zech. viii. 19. *Love the truth and peace.* The unity that we ought



ought to pursue after, is the unity of the spirit, Eph. iv. 3. and the holy Spirit is *the spirit of truth*. That love and charity which the scripture requires, is very consistent with a faithful witnessing against the sins of a backsliding people; yea a free and faithful witnessing against the sinful opinions and practices of our brethren, is inseparable from, or essential to the very nature of the law of love, Levit. xix. 17. *Thou shalt not hate thy brother in thine heart; thou shalt in any ways rebuke thy neighbour, and not suffer sin upon him*; or, according to the marginal reading, *that thou bear not sin for him*. And it is plain, from the whole tenor of the libel, that the practices of the brethren, which are alledged to be contrary to love and charity, are only such practices as are necessarily involved in a free and faithful testimony against the present course of defection; which is so far from being their sin, that it is manifestly their duty, unless the law of love and charity is supposed to oblige them to forbear a proper testimony against a course of defection from the Lord: but a supposition of this kind is a manifest contradiction to the whole tenor of the holy scriptures.

After the above general charge, a great many particular instances are adduced to support the same, and these are laid as special articles of libel against the seceding ministers; such as, *1mo.* 'That the said ministers have seceded from this church without any justifiable grounds, &c. as also that they persist in their unwarrantable secession, notwithstanding their solemn engagements to the contrary at their ordination and admission, and the clemency shewed to some of them in the year 1734. and the tenderness to all of them since that time.'

The seceding ministers have always owned that they have made a secession from the present judicatures of this national church, but they refuse that they have ever seceded from the communion of the church of Scotland, and they have published to the world the reasons and grounds of their said secession, particularly in their first testimony, emitted *anno* 1734. which contains their reasons at large for their protestation entred before the commission of the general assembly November 1733. when four of the seceding ministers were thrust out from the judicatures by the said commission, and thereupon declared their secession from them; they have likewise, in the said paper, made it evident, that their solemn engagements at their ordination, stedfastly to adhere to the doctrine, worship, government and discipline of the church of Scotland, and that they shall never do any thing, directly or indirectly, to the prejudice or subversion of the same indispensably oblige them

them to depart from communion with the present judicatures, who are carrying on, with a high hand, a course of defection from our covenanted doctrine, government and discipline, and who refuse to be reclaimed, tho' the ordinary means have been used for this end. When the libellers mention the clemency of the assembly *anno* 1734. towards some of the seceding ministers, they no doubt mean the act past by the said assembly, empowering the synod of Perth and Stirling to relax the said ministers from the sentence past by the commission against them: but it is to be regretted that justice was not done to the cause of truth by that assembly, in repealing an act and sentence of the former assembly, whereby a doctrinal testimony for truth, and a protestation for just and necessary exoneration, were both condemned after a summary and arbitrary manner; and while the act of assembly 1733. stands unrepealed, the seceding ministers can never judge, that the above clemency, in which the libellers boast, should have had the least influence upon the said ministers to depart from their protestation, or give up with their testimony concerning secession, given in to the commission November 1733. especially when it is considered, that the judicatures are persisting in carrying on a course of defection from the Lord.

It is proper also to observe, upon the above article of libel, that the secession from the present judicatures is alleged to be without any justifiable grounds, and the said secession is condemned as unwarrantable, and the seceding ministers are through the libel charg'd as guilty of schism, yet the judicatures have never enquired into the grounds of the present secession; they have never compared them with the law and the testimony, neither have they examined them by the approven acts and constitutions of this church. We are told, that the grounds of secession are unjustifiable, and that the conduct of the seceding ministers is a dangerous schism: but what is offered upon this head to persuade and convince the members or the church of the justice of this charge? nothing at all. They must take the bare assertions and allegation of the libellers, *viz.* of the assembly 1738. and their commission, as sufficient evidence and proof that the grounds of secession are unjustifiable, and that the present secession is unwarrantable. This is a dealing with men by mere church-authority, and unbecoming such courts who profess themselves to be presbyterian, and who, according to their principles, have no other than a ministerial or stewardly authority from the head of the church, and who ought to declare his mind

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and will from his word, for the edification of the members of his body.

The second article of libel is, ' That the seceding ministers have assumed a power of associating and erecting themselves into a presbytery, &c.' The said ministers judge that they have warrant from the word of God for their presbyterial association, and they have given their grounds and reasons for judging so in the preface to their judicial Act and Testimony, to which they refer; and when they endeavour to testify against the defections of the present judicatures, as also judicially to assert the truths of Christ, that have been opposed and controverted in our day, they exercise no other power but what any presbytery duly constitute, and in the same situation with themselves, may warrantably lay claim to.

The third article of libel is, ' That the seceding ministers, as a presbytery, have framed and published to the world a printed paper, called, Act Declaration and Testimony, &c.'

In the above article of libel, the Act and Testimony is condemned in bulk, without condescending upon any one particular in it as contrary to the word of God, or our approved standards; and the seceding ministers may safely challenge any of their accusers, to shew them any one principle adopted in their testimony, but what is agreeable to the word of God, and the laudable acts and constitutions of this church. The libellers alledge, that the judicial Act and Testimony, casts many groundless and calumnious reflections upon the church, and the judicatures thereof; but they have not mentioned one of these many alledged groundless reflections. The seceding ministers judged it their duty to point out particularly the deviations of the judicatures from the law and the testimony, and from our reformation-standards agreeable thereto; and it is to be regretted, that the judicatures are so far from being sensible of their backslidings, that they justify themselves in the same; and that when they are told their sins, they condemn such as deal plainly with them, as casting calumnious and groundless reflections upon them. This is the way that a backsliding church and corrupt church-men have always pursued: they have pronounced themselves innocent, and libelled and prosecuted such as have dealt faithfully and plainly with them, Jer. ii. 35. *Yet thou sayest, because I am innocent, surely his anger shall turn from me; behold, I will plead with thee, because thou sayest I have not sinned.* Jer xviii. 18. *Then said they, come, and let us devise devices against Jeremiah, for the law shall not perish from the priest, nor counsel from the wise, nor the word from the Prophet;*



*Prophet ; come and let us smite him with the tongue, and let us not give heed to any of his words.* It is further alledged, ' That the seceding ministers, in their Act and Testimony, do, with the air of a paramount power and authority, condemn this church and the judicatures thereof for their proceedings.' If the libeller mean, that a few may not judicially condemn the proceedings of a numerous body, which are to the prejudice of truth, then, according to them, numbers must always bear the sway ; and if truth is voted ut of doors by numbers, then it must be deserted, without a judicial Testimony for it. At this rate the Testimony of thereformed ; against the church of Rome, must be condemned, because the Romish clergy had numbers on their side, and Luther and Calvin, and our other reformers, according to this reasoning, assumed to themselves a paramount power over the church and the judicatures thereof : but the seceding ministers may boldly affirm, according to the judgment of all our reformed divines, that when the word of the Lord is against a church, and the proceedings of the judicatures thereof, any one minister may testify doctrinally against the same ; and if one minister may testify doctrinally, then a few ministers associate together have warrant and authority, from the word of God, to emit a judicial Testimony against such proceedings.

The fourth article of libel consists of several branches. The first branch of the said article is, ' That they do not confine themselves to their own particular charges, but dispense ordinances to persons of other congregations, without the knowledge or consent of the ministers to which they belong ;' and the libel afterwards condescends upon their preaching and baptizing children without the bounds of their own congregations, and without the consent of the ministers, or authority of the presbytery in the bounds.

As for the above article of charge against them, the seceding ministers would reckon it much more easy work and labour for them to keep themselves within the bounds of their own congregations ; but since the judicatures of the church are breaking down our constitution, and scattering and oppressing the Lord's heritage thro' the land, as the said ministers have made evident in the papers emitted by them, and particularly in their Act and Declination read before the last assembly, therefore the associate presbytery are obliged, and judge it their duty, in such a situation of the church, to send some of their number to preach and baptize in different corners of the land, upon application made unto them by many of the Lord's

aggrieved heritage, who have seceded from the judicatures, and who have declared their accession to the said presbytery; and as they dispense the sacrament of baptism to none without sufficient testimony concerning their walk and conversation, and previous examination of their knowledge, so they cannot see any ground for a libel upon this head, unless it must be made an article of libel against them, that they dispense sealing ordinances to such who voluntarily, and from conscience of their duty, depart from communion with the judicatures who are carrying on a course of defection, and who accede to a judicial testimony unto the covenanted doctrine, worship, discipline, and government of the church of Scotland.

The second branch of this article of libel is, ' That the ' seceding ministers have taken upon them to ' ordain elders in some congregations,' And this the associate presbytery judge their duty to do, that our presbyterian order and government may be maintained and kept up amongst such as have subjected themselves to the said presbytery; and they judge it likewise necessary, in order to the dispensing of sealing ordinances amongst them with more safety, according to the laudable rules of this church, that elders be ordained among them, who may watch over the walk and conversation of professors, and who may be capable to inform the presbytery, or any of the ministers thereof, concerning the walk and behaviour of the forebids.

The third branch of the above article is, ' That the associate presbytery keep fasts in different corners of the ' country.' And this is a day wherein the Lord calls to fasting, mourning and girding with sackcloth, so it is to be regretted that the present judicatures are so very negligent in this duty, and when they appoint days of fasting and humiliation, they refuse particularly to acknowledge their own sins and the sins of former times, and therefore the associate presbytery judge it their duty to appoint days of fasting and humiliation in such places of the land, and amongst such as apply to them for that effect, and who profess their willingness to humble themselves under the many awful signs, grounds and causes of the Lord's quarrel and controversy against us. As for what is alledged, that the seceding ministers, by their above practices, do in a great measure neglect their proper ministerial work in their own parishes, it is a bare-fac'd calumny; they may be satisfied to have their diligence compared in their ministerial work in their own parishes with that of their keenest accusers; and they may likewise confidently affirm, that notwithstanding of their presbyterial association and the duties

ties which it does oblige them unto, they are as little diverted from their proper ministerial work in their respective charges, as when they were in connexion with the judicatures, and approved by them for their diligence.

The fifth article of libel is concerning 'their taking 'some persons under probationary trials, and their actually licensing one or more to preach the gospel.' The particular instance afterwards condescended upon in the libel, is their licensing Mr. John Hunter to preach the gospel.

It is what the seceding ministers acknowledge, and own that they have licensed the said Mr. John Hunter to preach the gospel, after he had passed thro' the ordinary trials, and was approved in them; and they judge it their duty, not only to license, but also to ordain men to the work of the holy ministry, whenever providence shall open a door for it, particularly among the scattered and broken heritage of God, who are groaning under the weight of intruded hirelings, and can find no help and relief from the present judicatures; and as their relief is one of the main ends of their presbyterial association, so, seeing that they are a presbytery constitute in the name of the Lord Jesus, they doubt nothing of his warrant to commit the gospel-trust to faithful men, and to send forth labourers into his oppressed and wasted vineyard.

The sixth article of libel coincides with the first, only they date the departure of the first four ministers from the judicatures from the month of June 1734. but if they had narrated matter of fact, they ought to have dated their withdrawing from the judicatures from November 1733. when the commission, in pursuance of the act of assembly that year, thrust the said ministers out from communion with all the said judicatures, and this is what the libellers do very well know was the case.

The seventh article of libel is concerning the licensing of Mr. John Hunter, which has been considered already.

The eighth article of libel is, 'That the seceding ministers did, as a presbytery, take under their cognizance 'the case of Archibald Edmund, and declared him free of 'the censure of the lesser excommunication laid upon him 'by the presbytery of Dumblain.'

The said Archibald having, for the help of his memory, drawn up a paper as subject of private communing with his minister, relating to the publick defections, and any concern he judged his minister had therein, with a declared design, mentioned in the said paper, to pave the way for his continuing to join his ministry with the greater freedom and edification, at the same time submitting to his minister's instruction in case he was in the wrong. But the minister,



minister, instead of endeavouring to instruct or gain his parishioner with a spirit of meekness, by a friendly communing, upon his reading the said paper, falls out into a passion, carries it before the session, the session refers it to the presbytery of Dumblain, where, after long dependence, it issues in a sentence of lesser excommunication against him, which was intimate by order of the presbytery from the pulpit of Logie. The said Archibald judging himself injured, and having no hopes of redress from the superior judicatories, lays an extract of the whole process before the associate presbytery, who finding by the said extract, that the above paper for conversation was the only foundation of the process against him, and that the man had a good title to represent unto his minister what was aggrieving unto him, without fear of censure, and considering that the great end of their presbyterial association was the relief of the Lord's oppressed heritage, groaning under the arbitrary proceedings of the present judicatures, did therefore relax the man from the said sentence, and appointed Mr. Erskine to baptize his child, which he did accordingly; and they can easily justify their conduct herein before the unprejudiced world, by publishing an extract of the whole process, if it be found needful.

The ninth article of libel is, ' That one or other of the ' ministers of the associate presbytery did, on occasion of ' a fast held at Balfron, absolve from scandal Thomas Buchanan and Florence Graham.' The case is in short this the said Thomas Buchanan and Florence Graham, being in accession to the presbytery, were married at Stirling upon the Monday after the dispensing the sacrament of the Lord's supper at Gargunnoch, and in their way home they passed by the meeting for worship at Gargunnoch, with a bagpipe playing before the company; as this gave just ground of offence, so they were convened before the associate session of Balfron, and appointed to be rebuked publickly, which was accordingly done by one of the ministers of the associate presbytery; and it is left to the unprejudiced world to judge if this is just ground for an article of libel. It may only be further noticed, that tho' the said Buchanan opposed that practice of playing on the pipe at that time, and yet was censured as above for not opposing it more effectually, yet we have not heard that any of these that were in company with him, and who were more active in that scandalous practice, and are still in communion with the church-judicatures, have ever been censured for the same.

The tenth article of libel is, ' That the associate presbytery did take upon them to excommunicate one David ' Lelly

‘ Lesly Baxter in Pleasance in the parish of West-kirk near Edinburgh,’ The case is briefly as follows. The said David Lesly having acceded to the presbytery, did, after the said accession, espouse some principles everlive of civil government, and having read a paper before a committee of the whole house, containing his said dangerous principles, he was cited unto the presbytery; and tho’ the presbytery used means to reclaim him, yet he adhered tenaciously to his principles, and at the same time shewed an insolent contempt of the presbytery, and therefore they judged it their duty to testify against his extravagant principles and contumacious practice, by laying him under the sentence of lesser excommunication, and by recommending it to those that are under their inspection to withdraw from him, as a brother that walks disorderly; and it may be surprising that judicatures, who make such liberal professions of loyalty to the civil government, should make it an article of libel against the seceding ministers, viz. their inflicting the above censure upon one who had not only vented, but with the greatest contumacy maintained and asserted principles everlive of civil government, refusing and despising the proper means of information and instruction, that he might be reclaimed from the error of his way.

After some other articles of libel which have been already upon the matter considered, the last article of libel is laid against Mr. Ebenezer Erskine, minister of the gospel at Stirling, for protesting from the pulpit of the church of Stirling, against five elders there, which protestation is narrated by the libellers after their own way; but that the unprejudiced world may be satisfied, it is thought proper to give the following short narrative of the case.

The two ministers of Stirling, particularly the late reverend Mr. Alexander Hamilton, having, opposed the intrusion of Mr. James Mackie upon the parish of St. Ninians, who was obtruded upon the people by a riding committee, the said Mr. Mackie did his utmost, in a way of resentment, to disturb the peace and quiet of the ministers and congregation of Stirling; for which end he insinuated himself upon five of the members of session, who had formerly lived in as much unity with their ministers as any of the rest, and who had concurred with them in witnessing against the proceedings of the judicatures, as is to be seen in the state of the process against Mr. Erskine. However, a little after Mr. Mackie was intruded upon St. Ninians, they began to withdraw from diets of session for prayer, privy censure and ordinary business, except when

when they came to serve a turn, for which conduct they were gravely and judicially rebuked by the worthy Mr. Alexander Hamilton, a little before the administration of the sacrament of the Lord's supper in Stirling, April 1737.

Instead of receiving the rebuke kindly, and as precious oil, they behaved as if that worthy man had broken their heads, for immediately after it they deserted the session, without giving any reason for their so doing, and tho' sent for again and again to attend the session, and the duties of their office, especially upon the occasion of the sacrament of the Lord's supper in the place, they obstinately refused, turning their back, not only upon their ministers and fellow elders, but also upon the ordinances of God, all of them, except one, leaving the town and going to neighbouring congregations, that day the sacrament was celebrated in the place, to the great offence and scandal of religion.

The two ministers of Stirling, Mr. Hamilton and Mr. Erskine in order to prevent the profanation of the table of the Lord, entred upon a resolution to examine privately all that should be admitted, and to appoint diets for that effect, and at the same time agreed to read the publick warning which follows.

*Advertisement with respect to intended communicants, agreed upon by the ministers of the place, Stirling, Feb. 3. 1737.*

*1mo.* That none apply for the benefit of that ordinance who have not a tolerable acquaintance with the principles of our holy religion, with their lost estate in the first Adam, and breach of a covenant of works, and the way of recovery by a second Adam, and covenant of rich and free grace, and thro' faith in him, and who are unacquainted with the nature, use and ends of the sacraments of the New Testament, particularly that of the Lord's supper now in view. *2do.* That none apply for the benefit of that ordinance, who are enemies to the covenanted doctrine, worship, discipline and government of the church of Christ in this land, and who are not resolved thro' grace to cleave to the Lord with full purpose of heart, in faith love and gospel obedience thereunto. *3tio.* That none apply for the benefit of that ordinance, who live in the neglect of secret and family worship, or do for ordinary absent from publick worship, whether on Sabbath or weekday, unnecessarily, and slight diets of catechizing, as if those were not worthy of their attendance. *4to.* That none apply for the above benefit, who have not a conversation



sation becoming the gospel, in religion, righteousness and sobriety, but are ungodly and immoral in their practice, such as cursers, swearers, perjured persons, false witnesses, liars, backbiters, Sabbath-breakers, unclean persons, drunkards, tipplers; also those that are unfaithful in their several stations and relations, whether as superiors, inferiors, or equals, particularly such as drive any unlawful trade or occupation, or who do not make a lawful use of their lawful callings, or who are cheaters, or oppressors of their neighbours; and likewise all those that are at variance with their neighbours, or who entertain malice in their heart at them.

This practice of the two ministers, according to the above resolve, was mightily cried down by those who wanted to kindle the flame of jealousy and division in the place, as if it were a thing absolutely unlawful or unprecedented, altho' it is well known that the like practice has been observed by a great many ministers in this church, in order to prevent unworthy partaking of that solemn ordinance.

The five elders were prompted to make the above practice a ground of complaint unto the judicatures; accordingly after the sacrament, when the session was met for distributing the collections to the poor, the foresaid five elders compear with a protest full of false and injurious reflections upon their ministers and fellow-elders, withal protesting that all the acts and deeds of the session should be held null and void, while Mr. Erskine sat there as moderator or member, altho' his relation to the congregation of Stirling still subsisted.

Means having been used to bring this protest to the superior judicatures, the reverend Mr. Hamilton was called home to glory, January 1738. while this process was in dependence; and as he was frequently heard to say, that these five men would bring his grey hairs with sorrow to the grave, so they expressed so little concern at the removal of that faithful minister of Jesus Christ from among them, that when his corps was within two hours or thereby of its interment, they were insisting before the presbytery then sitting, that their process against him and the other members of session should be called and judged in; however, these are the men that most be supported in order to pave the way for the intrusion of a minister upon the congregation of Stirling. Accordingly, when the process is carried before the superior judicatures, these five elders are approven in their conduct, and declared to be the only session of Stirling, and the other twelve elders, who adhered to their ministers in the faithful exercise of

discipline, according to the rules and constitution of this church; and particularly in setting that rail about the table of the Lord, which they are expressly warranted and commanded in the word to do, are condemned without any libel or alledged crime; and it is left to the unprejudiced to judge, whether the conduct of the judicatures, in this matter, has not an evident tendency to set up the synagogue of Satan in the place, to the contempt and ruin of the discipline of the house of Christ therein.

And now, to proceed to the special article of libel against Mr. Erskine, altho' no ecclesiastic judicature has found the twelve elders actually suspended from any part of their office, yet the magistrates of Stirling interposed their authority, by prohibiting them to collect the offerings for the poor, and appointing the five elders only to stand at the church doors for that effect: (which, by the by, they had done ever since, to the great loss of the poor of the place, and all of them, except one, withdraw from the public worship immediately after the congregation is convened) whereupon Mr. Erskine, finding that the liberties and privileges of Christ's kingdom were so openly invaded, and seeing no visible way of redress, judged himself obliged, as minister of the place, upon the 25 day of February, 1739. being the first day that the five elders collected at the appointment of the magistrates to exoner himself by a doctrinal protestation, in presence of the congregation, in the following terms.

‘ In regard every thing in the house of the God of heaven  
 ‘ ought to be done according to the will of the God of hea-  
 ‘ yea, every pin of God's tabernacle in the Old Testa-  
 ‘ ment was to be framed and set according to the pattern  
 ‘ shewed in the Holy Mount, all the officers and offerings  
 ‘ of that dispensation were to be of God's designation and  
 ‘ appointment, much more ought it to be so under the New  
 ‘ Testament church, of which the old tabernacle was a  
 ‘ type and shadow. And because I perceive men standing  
 ‘ at the gates of this house, collecting the offerings of the  
 ‘ Lord, who are intruded upon this congregation, to the ex-  
 ‘ clusion of the lawful officers, whom worthy ministers of  
 ‘ this place, now in glory, as well as myself, have owned,  
 ‘ and to whom this congregation have all along subjected  
 ‘ as church-officers and rulers in the house of God, but  
 ‘ are now excluded by an erastian and tyrannical authority,  
 ‘ civil and ecclesiastic, without any libel, process, or  
 ‘ pretended crime, but merely by the arbitrary will of ec-  
 ‘ clesiastical courts, supported now by the civil authority  
 ‘ of this place; THEREFORE, for my own exonera-  
 tion,

tion, I, in the name of the great Lord, eternal Son of God, the only king and head of his church, by whose authority alone officers are ordained or deposed in his church, and in the name of the injured elders of this congregation, and in the name of all in this congregation who adhere to them and me, as their officers and church-rulers, DO PROTEST against this violent intrusion of the five elders after specified, as a notorious invasion upon the prerogative of my great Lord and master Jesus Christ, as a violent thrust at my own ministry, contrary to the solemn covenant between this congregation and me, as a robbery and rape committed upon this congregation, contrary to the liberties wherewith Christ hath made them free, and an injury done to the lawful officers thereof; and I do PROTEST, that my officiating in this place is no countenancing of this intrusion, and that all the iniquity and bad consequences of this deed, with relation to the poor and otherways, shall be charged upon these elders and those who have authorised them in this their way. And I, for my further exoneration, as a messenger and herauld of the great King whose name is *The Lord of Hosts*, do in his name SUMMON the following pretended and intruded elders, Henry Christie, William Maben, Robert Banks, Andrew Millar, and Henry Allan, who have broken the comely order of the house of God in this place, and all, whether in ecclesiastic or civil authority, or others who have aided, abetted and countenanced them in this their wickedness and iniquity, to compare before the bar of Christ, the king and head of his church, at the time he hath in sovereignty appointed, to answer for their conduct. I do also, by the same authority as above, warn all in this congregation under my inspection to beware of countenancing or owning the above mentioned men as lawful officers in the church of Christ, as they would not partake of their sin and punishment. As for particular reasons of this protestation, they shall, if the Lord will, be extended at more length, and read openly to this congregation, if need be, and the occasion of this protest and declaration be continued.

This protest and summons is by the commission of the general assembly looked upon with such an odious aspect, that they make it a special article of libel against Mr. Erskine: but had they consulted the history of this church, and considered the nature of the ministerial work, particularly of a doctrinal protest against notorious offenders supported by corrupt judicatures, they would have been far from condemning this step as unprecedented, or any



way inconsistent with the duty of a minister, when unjust and unlawful sentences are passed to the manifest detriment of Christ's kingdom, and no probable view of redress.

The history of this church affords several examples of this sort, which shall be here insert as witnesses against the men of this generation, when they see how boldly the men of God, in former times, contended for the rights and privileges of Christ's house.

Mr. Andrew Duncan minister at Crail, having appeared upon a citation before the high commission court at St. Andrews, April 22. 1619. he declined the court; and after they pronounced the sentence of deposition and imprisonment upon him, he gave in the following protestation. ' Now seeing I have done nothing in this business whereof I have been accused of you, but have been serving Christ Jesus my master, in rebuking vice in simplicity and righteousness of heart, I protest for a remeed at God the righteous judge his hands, to whom vengeance belongeth and who will repay, and summon you before his dreadful judgment-seat, to be censured and punished for such unrighteous dealing, at such time as his majesty (meaning the righteous judge of all the earth) shall think expedient, &c.' Calderwoods's Hist. p. 730.

Mr. John Scrimgeour minister at Kinghorn, having been deprived of his ministerial office, and sentenced to confinement in Dundee, by the high commission court at St. Andrews, March 1. 1620. he offered several reasons for stopping of their sentence, which being disregarded, he presented the following protestation. ' I protest before the Lord Jesus, that I get manifest wrong, my reasons and allegations are not considered and answered, I attest you to answer before his glorious appearance for this--and challenge *exceptionem fori ad legitimum forum et judicem*; likeas I appeal to the Lord Jesus his eternal word, the king my dread sovereign his laws, the constitutions of this kirk and kingdom, the councils and assemblies of both, and protest that I stand minister of the evangel, and only by violence am thrust from the same.' Calderwood's Hist. p. 749.

The author of the fulfilling of the Scripture relates the following passage concerning Mr. Robert Blair, ' After some time in the ministry at Bawger, he with others of his worthy brethren, was silenced by the Bishop, and, as he told, himself was in the church when the Bishop (one Eckline) did himself intimate the sentence; upon which Mr. Blair rose up publicly in the congregation, and with great authority did cite the Bishop to appear before

fore the tribunal of Jesus Christ, to answer for what he was doing, contrary to his own light and conscience, against those whom he knew to be faithful ministers of the gospel; whereupon the man was so astonished, that he immediately cried out, *I repeal from the tribunal of the justice of God, to the throne of his mercy.* To whom Mr. Blair replies, *Sir, your appeal is rejected, for you know what you are doing is directly against your conscience, which hath made you bear witness to us as the servants of Jesus Christ.* A few months after the Bishop fell sick, and the physicians enquiring about his case, he only could say, *My conscience;* and so died. *Fulfilling of the scripture,* 2d Ed. 1671. p. 456.

Mr. Robert MacWard delivered himself in the following terms in a sermon. 'As for my own part, as a poor member of this church of Scotland, and an unworthy minister in it, I do this day call you who are the people of God to witness, that I humbly offer my dissent to all acts which are, or shall be passed against the covenants and work of reformation in Scotland, &c. 2dly. Protest, that I am desirous to be free of the guilt thereof, and pray that God may put it upon record in heaven.' Woddrow's Hist. p. 78.

Altho' Mr. Erskine doth not pretend to the same measure of the Spirit with these great men, yet he judged it his duty to write after their example, especially when he found himself warranted by his commission in the word of God so to do, where the watchmen is commanded of God to warn the wicked of the evil of his way, as he would deliver his own soul: and what is a doctrinal summons, but a warning that men must appear before God to give an account of the deeds done in the body? and what is a doctrinal protest, but a solemn Declaration and Testimony against sin and for duty? and for this way of solemn protesting or witnessing, Mr. Erskine and every other minister have the prophets for a pattern †, 1 Sam. viii. 9. *Howbeit, yet protest solemnly unto them, and shew them the manner of the king that shall reign over them;* where the Lord to shew his great displeasure at the people's carriage towards him, commands the prophet in his name to protest against their procedure, howbeit, yet protest solemnly unto them, or, as the words are rendered upon the margin, *notwithstanding, when thou hast solemnly protested against them,* which reading seems best to agree both with the scope, and what is said Verse 19. It is also clear from

Jer.

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† See *Mr. MacWard's Defence before the Council*, Woddrow's Hist. p. 80, 81.

Jor. xi. 7. where the Lord sums up all his sharp expostulations, for not obeying his voice and keeping his covenant, in this very term of *protesting earnestly*. For I earnestly protested unto your fathers, in the day that I brought them up out of the land of Egypt, even unto this day rising early and protesting, saying, obey my voice. The above practice is also warranted from 2 Thess. ii. 1. Now we beseech you, brethren, by the coming of our Lord Jesus Christ, and by our gathering together unto him. So that Mr. Erskine, or any other minister in like circumstances, may justify the above practice, both from the word of God, and the example of other ministers that have gone before us.

If the above remarks upon the libel against the seceding ministers are impartially considered, the reader may not only see that the said libel is groundless, but also that the present judicatures are still going on in a course of defection from the Lord, and that they refuse to be reclaimed, whereby they are filling up the cup of their iniquity; and this will further appear, when the act passed against the ministers of the associate presbytery, by the last assembly, is likewise considered. The tenor whereof follows.

*ACT of the General Assembly of the Church of Scotland,  
concerning the Ministers who seceded from the said  
Church.*

*At Edinburgh the Nineteenth of May, One thousand seven  
hundred and thirty nine Years.*

**T**HE general assembly of the church of Scotland having considered the libel drawn up by the commission of the last assembly, and executed, in pursuance of an act of the assembly, against Messieurs Ebenezer Erskine at Stirling, William Wilson at Perth, Alexander Moncrieff at Abernethy, James Fisher at Kinclaven, Ralph Erskine at Dumfermline, Thomas Mair at Orwel, Thomas Nairn at Abbotshall, and James Thomson at Bruntisland, ministers; together with the appearance of the said defenders before this assembly; and that after the moderator, in name of the assembly, had signified to them, 'That tho' they were called here to answer to a libel, the assembly were very loath to be obliged to proceed upon it; and that, if the said defenders would now shew a disposition to return to the duty and obedience they owe to this church, the assembly was ready to forgive all that was past, and to receive them with open arms.' The said defenders, instead of accepting, or being thankful for such lenity, pro-



produced, and offered to read as their answer, a paper intituled, *Act of the associate presbytery, finding and declaring, that the present judicatures of this national church are not lawful nor right constitute courts of Christ; and declining all authority, power and jurisdiction; that the said judicatures may claim to themselves over the said presbytery, or any of the members thereof, or over any that are under their inspection; and particularly declining the authority of a general assembly now met at Edinburgh the 10th of May 1739.* Upon which the assembly cauled the said libel to be read, and then permitted the said defenders, by the said Mr. Thomas Mair, who spoke as the mouth of them all, to read the said paper, and thereafter to give in the same, to which all the defenders declared their adherence; whereupon they were ordered to withdraw, after being directed by the moderator to attend when they should be again called upon by the assembly; and they having been this day again called, and not appearing, the general assembly found, and hereby find the said libel relevant to infer deposition; and do find the same also proven in its most material articles, by the said paper produced by them as aforesaid, and particularly finds it, by the said paper, proved, that the said defenders have seceded and separated from this church, and have taken upon them to associate themselves into a presbytery, and, as such, have framed and published, and do adhere to the pretended Act, Declaration and Testimony libelled; where. in they endeavour to assign the grounds of their unreasonable and irregular conduct, and take upon them to condemn this church, and the judicatures thereof, for their proceedings, and to cast many groundless and calumnious reflections upon her and them. And further find, that the said defenders, by the paper given in to this assembly, have had the unparalleled boldness to appear before the highest judicature of this church, to which they have vowed obedience, and, instead of answering for themselves as pannels or defenders at the bar, pretended to appear as a seperate, independent and constitute judicature, and to read or pronounce an act of theirs, condemning this church, and the judicatures thereof, upon several groundless pretences, and to decline the authority of the same; and that they have further, in presence of the assembly, by the said paper, taken upon them to speak in most injurious, disrespectful and insolent terms concerning the highest civil authority: **THFORE** the general assembly **DO FIND AND DECLARE**, that the said defenders, for the offences so found relevant and proven, do justly merit the highest censures of this church, and particularly

ticularly that of *deposition*; BUT in respect that in this assembly, before they proceeded to call the said defenders, an inclination had been express by several members not to proceed to a final sentence against them at this time, but to forbear the same yet another year, in order to give them a further time to return to their duty, and to render them still more inexcusable if they should persist in their unwarrantable separation; and tho', from their behaviour at their appearance, and the paper given in by them, there is little hope left of their being reclaimed to their duty, but they seem determined to continue in their most unwarrantable and schismatical courses, and, as far as in them lies, to ruin and destroy the interest of religion in this church, this assembly have thought fit to forbear inflicting the just censure upon them at this time, and to refer the same to the next general assembly, to which this assembly earnestly recommend to inflict the censure of *deposition*, without further delay, upon such of the said defenders as shall not, betwixt and that time, either in presence of the commission to be named by this assembly, or of the ensuing general assembly, retract the said pretended Act and Declinature, and return to their duty and submission to this church. And the assembly further recommend to all the members of this assembly, and particularly such of them as shall be members of the next assembly, there to urge and insist for their compliance with this recommendation, which this assembly cannot allow themselves to doubt will be granted, as it will be then absolutely necessary for the interest and credit of this church, that the foresaid censure be pronounced and inflicted against such of the said defenders as shall then be persisting in their separation. And in respect the said defenders have not appeared, tho' called this diet, the assembly order their commission to cause cite them again, to appear before the next assembly, to abide the judgment thereof, upon the said libel, and the said paper given in by the defenders instead of an answer: to which assembly the said libel and process is hereby continued and referred as above. And as one of the defenders Mr. James Thomson minister at Burntisland, who was not contained in the act of the last assembly, the general assembly, without determining on the objection offered by his parish to the citation of him, did agree and resolve, that their commission do cite him *de novo* to answer to the next assembly, for the matters contained in the said libel and paper given in by him and the other defenders. And to the end the like schismatical and divisive courses, which have so much disturbed the peace and quiet of the church and of the country, and are so very contrary to serious religion

ligion and godliness, may be, for hereafter effectually discouraged and prevented, the general assembly ordains all presbyteries and synods strictly to observe the sixth act of the assembly 1708. intituled, *Act for suppressing schisms and disorders in the church*; by which ' It is strictly enjoined, and peremptorily appointed, that all the presbyteries and synods take particular notice of all their members, preachers, or others under their inspection, and if they find any ministers or others to fall into irregularities, or schismatical courses; that they duly call them to an account, and censure them according to the merits of their fault, even to deposition of ministers and elders, and to apply to the commission for their advice, as they shall see cause.' And without derogating from the generality thereof, the assembly ordains all presbyteries, to whom any minister shall presume to give in a secession or separation from this church, forthwith to give notice thereof to the moderator of the commission of assembly for the time, and to instruct the members of their presbytery, who shall be members of such commission; to ask the opinion and direction of that commission at their first diet after offering such secessions, to the end, that if such presbyteries cannot in the mean time prevail with the brethren, who shall so presume to secede, to retract their secession, such brethren may be forthwith proceeded against, according to the above act of assembly; and what opinions and directions of the commission for the time, as presbyteries shall receive, agreeable thereto, these presbyteries are hereby strictly enjoined to follow the same; and in case any presbytery, to whom such secession or separation shall be given in, shall fail in their duty in the premises, the assembly ORDAINS the synods, within whose bounds they may ly, without delay, to do therein as they shall think fit, agreeable to the above act of assembly; and in case such synods shall fail in their duty, the assembly ORDAINS the commission to be appointed by this assembly, to take such matters into their own cognizance: and in all such cases, the presbyteries, synods, or commission to be appointed by this assembly, respectively, if they cannot quickly reclaim such seceding brethren, are hereby ordained to proceed against them, by way of libel, to the sentence of deposition. And the assembly APPOINTS, that a short state of the proceedings of the judicatures of this church, with relation to the foresaid ministers, setting forth the gentle methods used for reclaiming them, and their undutiful behaviour to this church, be drawn up by a committee to be named for that effect, and printed, and copies thereof to be transmitted to each presbytery,



bytery; and that all the ministers of this church shall be careful to exhort the people, both publicly and privately, to guard against all deviliſe courſes, *and to keep the unity of the ſpirit in the bond of peace*, as they would conſult the true intereſt of ſerious religion, and the quiet of their country.

By the above act of aſſembly the preſbyterial aſſociation of the ſeceding miniſters is condemned, as alſo their judicial Act and Teſtimony, and particularly their Act and Declinaſure read in preſence of the ſaid aſſembly; and the ſaid miniſters are, upon the grounds mentioned in the foregoing act, declared to merit the higheſt cenſures of this church, and particularly that of *depoſition*, whereby the preſent judicatures diſcover a perfecuting ſpirit againſt ſuch who are endeavouring to bear teſtimony againſt their deeds which are evil, 1 John iii, 12. But tho' they load the ſeceding miniſters in a very grievous manner, with, 'unwarrantable and ſchiſmatical practices,' and with doing what 'in them lies to ruin and deſtroy the intereſt of religion in this church,' and tho' they have earneſtly recommended it to the next general aſſembly to inflict the cenſure of depoſition without further delay, yet the ſaid miniſters may encourage themſelves in this, that the treatment given them is not ſingular, it is what they are warned of, that men ſhall ſpeak all manner of evil againſt ſuch as ſhall endeavour to liſt up a teſtimony for Chriſt and his truths, and that ſuch ſhall be perfecuted and caſt out of the ſynagogues.

But it deſerves to be particularly obſerved, that the aſſembly, in their firſt act, 'find that the libel is relevant to infer depoſition, and alſo they find the ſame proven in its moſt material articles,' by the preſbytery's Act and Declinaſure read in their preſence. This they find the libel relevant in bulk to infer a very heavy and weighty cenſure, yet they have not found any one article thereof to be contrary to the word of God, and our received and approved ſtandards. It may be left to the unprejudiced world, to judge if this is agreeable to preſbyterian principles, or if it is not rather of a piece with the other magiſterial and arbitrary ſteps which the preſent judicature have taken, and which are particularly condeſcended upon by the aſſociate preſbytery in their Teſtimony and Declinaſure.

The aſſembly further adds, that the ſeceding miniſters in their Act and Declinaſure read and pronounced in their preſence, condemn the judicatures of this church upon ſeveral groundleſs pretences. It is to be regretted that th

late assembly do speak after this manner of the steps of defection mentioned in the Act and Declinature, when they reckon the said steps of defection that are mentioned therein to be nothing but groundless pretences; it is a very lamentable evidence that the Lord has left the present judicatures in a very great measure, and that they make their faces harder than a rock, and refuse to return, Jer. v. 3.

Likeways the assembly, in their above act, charge the seceding ministers with speaking 'in most injurious, insolent and disrespectful terms concerning the highest civil authority.' But this charge is laid in most general, and therefore in most injurious terms. If they had dealt fairly, and according to their character as ministers and elders met in an assembly, they ought to have condescended upon those terms, concerning the highest civil authority, which they reckon *most injurious, disrespectful and insolent*. As the above general charge is laid with an evident design to stir up the wrath of civil authority against the seceding ministers, so it breathes out the same persecuting spirit which prevailed in the late times of prelacy, and which ordinarily discovers itself in *corrupt church-men*, who are carrying on a course of defection and backsliding from the Lord, and who always hate and oppose a testimony against their sinful courses and practices, and are tormented thereby. But it is plain, that, by the foresaid general charge, nothing else can be meant than the testimony that the presbytery judged it their duty to give against the encroachment made upon the rights and privileges of the spiritual kingdom of the Lord Jesus, in the late act of parliament anent captain John Porteous, which was read in one shape or other by most part of the ministers of this church, and the sinfulness whereof was never testified against by any of the present judicatures, and therefore, according to the word of God they are justly chargeable with hating our rulers in their hearts, when they have suffered sin to ly upon them, without testifying faithfully against the same, Levit. xix. 17.-----And the seceding ministers cannot be reckoned guilty of speaking in injurious, insolent and disrespectful terms against the highest civil authority, more than Jeremiah and the other prophets were guilty of the same, when they reprov'd the sins of the civil rulers in their days. But the seceding ministers must here observe with regret, that the present judicatures are, by their procedure, involving themselves more and more in deep defection from the Lord; for it is plain, that when the assembly have condemned, in the above manner, the testimony that was given in their presence against the above encroachment on the kingdom of Christ, and the sinful compliance of the

ministry of this church therewith, they have thereby condemned a testimony against the foresaid encroachment and compliance, as a speaking in most *injurious, disrespectful and insolent terms of the highest civil authority*; and in like manner, when the seceding ministers are declared to deserve the highest censures of this church, and particularly *deposition*, on account of their testimony against the sinfulness of the foresaid act of parliament, it is also plain that a silent submission unto the above encroachment upon the kingdom of Christ, without any suitable testimony against the same, is made a term of ministerial communion by the present judicatures. For, according to the above words of their act of assembly, if any shall say that the act of parliament anent captain John Porteous, contained a sinful and erastian encroachment upon the kingdom of Christ, they speak in the most injurious, insolent and disrespectful terms of the highest civil authority, and deserve the highest censures of the church, particularly that of *deposition*.

The seceding ministers may conclude from the whole, that the present judicatures, instead of shewing the least disposition to remove any of the just and unwarrantable grounds of secession from them, by confessing their iniquities and returning to the Lord, are going on resolutely in a course of backsliding from him; and tho' they have been called to *return to the most High, yet they refuse to exalt him*; and therefore the associate presbytery have good ground and reason to judge it more and more warrantable and necessary for them to continue to testify in a way of secession from the present judicatures, for the received principles of this covenanted church and land, and against a course of defection and backsliding from the same; and they desire to pray that the Spirit of the Lord may be poured out upon them as a spirit of repentance and reformation, lest that awful threatening be accomplished upon them and the land, Jer.--v. 3, 5, 6.-----*They have refused to return--- they have altogether broken the yoke and burst the bonds. Wherefore a lion out of the forests shall slay them, and a wolf of the evenings shall spoil them, a leopard shall watch over their cities; every one that goeth out thence shall be torn in pieces, because their transgressions are many, and their backslidings are increased.* And considering what a deep land all of us have in the provocation, have we not reason to fear lest the Lord be saying, both by his word and providence at this day, as it is verse 9. *Shall I not visit for these things? saith the Lord: and shall not my soul be avenged on such a nation as this?*

F I N I S.

